

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.

Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER DENYING PLAINTIFF'S
MOTION IN LIMINE AS PREMATURE

(ECF No. 30)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On December 15, 2023, Plaintiff filed a motion in limine to exclude evidence of Plaintiff's criminal conviction. (ECF No. 30.) Plaintiff's motion must be denied as premature. Here, Defendants have not yet made a formal appearance in the action and no answer has been filed. Thus, the Court has not yet issued any scheduling orders in this case. If Plaintiff's case should survive past the motion for summary judgment stage, the Court will issue a trial scheduling order setting trial and pretrial dates, including dates for filing motions in limine. Until a trial scheduling order issues in this case, any motions in limine are premature, and Plaintiff present motion is therefore denied. Although it is noted that in section 1983 cases, criminal convictions are typically admission at trial. See Fed. R. Evid. 609.

IT IS SO ORDERED.

Dated: **December 19, 2023**



UNITED STATES MAGISTRATE JUDGE